

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIARA ROBLES,

Plaintiff,

v.

THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA, BERKELEY, et al.,

Defendants.

No. C 17-3235 CW

ORDER DENYING
REQUEST FOR
RECUSAL

(Docket No. 50)

Plaintiff requests that this Judge voluntarily recuse herself from presiding over this case.

The standards for disqualification or recusal under 28 U.S.C. §§ 144 and 455 are identical. United States v. Sibla, 624 F.2d 864, 867 (9th Cir. 1980). "The standard for judging the appearance of partiality requiring recusal under 28 U.S.C. § 455 is an objective one and involves ascertaining 'whether a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned.'" Preston v. United States, 923 F.2d 731, 734 (9th Cir. 1991) (citations omitted).


Plaintiff argues that there is the appearance of a conflict of interest for two reasons. First, this Judge graduated from the University of California, Berkeley, which is a Defendant in this case as well as the location of the events in question. Second, this Judge was nominated by former President William J. Clinton and Plaintiff alleges that a majority of the protesters at the

1 event had supported 2016 presidential candidate Hillary Clinton or
2 opposed President Trump. Even accepted as true, these
3 circumstances do not create the appearance of a conflict of
4 interest. See Larson v. C.I.A., No. 1:10-CV-01774 OWW JL, 2010 WL
5 4623923, at *1 (E.D. Cal. Nov. 5, 2010).

6 Accordingly, the request is DENIED (Docket No. 50). Because
7 Plaintiff's request is both unsworn and legally insufficient, it
8 is not appropriate for referral to the Clerk for random assignment
9 to another Judge. Civil L.R. 3-14.

10 IT IS SO ORDERED.

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12 Dated: July 25, 2017



13 CLAUDIA WILKEN
14 United States District Judge
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